

MILWAUKEE ELECTRIC  
TOOL CORPORATION,  
  
Plaintiff,  
  
v.  
  
BLACK & DECKER (U.S.) INC. and  
BLACK & DECKER INC.,  
  
Defendant.

No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

The Plaintiff, Milwaukee Electric Tool Corporation, by its undersigned attorneys, as and for its complaint against Black & Decker (U.S.) Inc. and Black & Decker Inc. (collectively, “Black & Decker”) alleges as follows:

1. The Plaintiff, Milwaukee Electric Tool Corporation (“Milwaukee Electric Tool”) is a Delaware corporation with its principal place of business at 13135 West Lisbon Road, Brookfield, Wisconsin 53005.

3. Defendant Black & Decker Inc. is a Delaware corporation located at 1207 Drummond Plaza, Newark, Delaware 19711.

4. This is an action for patent infringement based upon the patent laws of the United States. Jurisdiction and venue are based upon 28 U.S.C. §§ 1338, 1391, and 1400(b).

### **SUBSTANTIVE ALLEGATIONS OF PATENT INFRINGEMENT**

5. Milwaukee Electric Tool reincorporates and alleges as if fully set forth herein each and every allegation contained above in paragraphs 1-4.

6. On January 31, 2006, United States Patent No. 6,991,008 (the "'008 Patent") was duly and legally issued.

7. The '008 Patent claims *inter alia* combinations and methods related to routers.

8. The Plaintiff, Milwaukee Electric Tool, by assignment, is the owner of the '008 Patent.

9. On October 4, 2005, United States Patent No. 6,951,232 (the "'232 Patent") was duly and legally issued.

10. The '232 Patent claims *inter alia* combinations related to routers.

11. The Plaintiff, Milwaukee Electric Tool, by assignment, is the owner of the '232 Patent.

12. The Defendant, Black & Decker, has directly infringed, induced infringement and contributorily infringed Milwaukee Electric Tool's exclusive rights in the '008 and '232 patents by manufacturing, importing, offering for sale, and/or selling products that embody the inventions of and are within the scope of the '008 and '232 patents and by causing others to offer for sale, sell, and use the infringing products. The Black & Decker products that infringe one or more of the claims of the '008 and '232 patents include, but are not necessarily limited to, Black & Decker's 890 series of router products and model nos. 75301 and 8529. These products are

sold under Black & Decker's Porter-Cable line of products. Black & Decker continues such infringement.

13. As a direct and proximate result of the Defendant's, Black & Decker's, infringement, the Plaintiff, Milwaukee Electric Tool, has suffered injury and damage, which continues to accrue in an amount to be determined at trial.

### **CAUSES OF ACTION**

#### **COUNT ONE INFRINGEMENT OF '008 PATENT**

14. Milwaukee Electric Tool reincorporates and alleges as if fully set forth herein each and every allegation contained above in paragraphs 1-13.

15. The acts of the Defendant, Black & Decker, complained of herein constitute infringement of the '008 patent in violation of 35 U.S.C. § 271.

#### **COUNT TWO INFRINGEMENT OF '232 PATENT**

16. Milwaukee Electric Tool reincorporates and alleges as if fully set forth herein each and every allegation contained above in paragraphs 1-15.

17. The acts of the Defendant, Black & Decker, complained of herein constitute infringement of the '232 patent in violation of 35 U.S.C. § 271.

### **JURY DEMAND**

Plaintiff demands a trial by jury on all matters and issues triable by jury.

### **PRAYER FOR RELIEF**

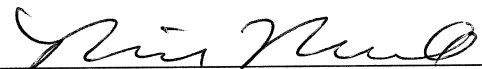
WHEREFORE, the Plaintiff, Milwaukee Electric Tool, prays that this Court enter judgment in its favor and against the Defendant, Black & Decker, granting the following relief:

- A. Declare that Black & Decker has infringed, induced others to infringe, and/or contributed to the infringement of the '008 and '232 patents;
- B. Award damages to Milwaukee Electric Tool for Black & Decker's infringement of the '008 and '232 patents;
- C. Enjoin Black & Decker, its officers, partners, employees, agents, parents, subsidiaries, attorneys, and anyone acting or participating with them, from manufacturing, making, selling, offering for sale, importing, or using a product that infringes the '008 or '232 patents;
- D. Find this case exceptional pursuant to 35 U.S.C. § 285, and award Milwaukee Electric Tool its attorney fees and costs; and
- E. Award Milwaukee Electric Tool interest, costs, and such other relief as the court may deem just and equitable.

Dated January 31, 2006

Respectfully submitted,

MICHAEL BEST & FRIEDRICH LLP



Michael E. Husmann

Richard H. Marschall

MICHAEL BEST & FRIEDRICH, LLP

100 E. Wisconsin Avenue, Suite 3300

Milwaukee, Wisconsin 53202

414-271-6560

Attorneys for the Plaintiff,

Milwaukee Electric Tool Corporation